

In the United States District Court
for the Western District of Texas
San Antonio Division

Robert James Esquivel } SA-20-CV-
Plaintiff } 00377-OLG

VS.

FILED

MAY 12 2020

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY MM DEPUTY

David Kendrick, Badge #0567
Patrol Division, San Antonio }
Police Department; Trooper }
FNU Eastburn #14720, Texas }
Department of public safety; }
Trooper FNU Bibby #14593, }
Texas Department of }
Public Safety, Trooper }
FNU Windgate #13157 }
Texas Department of Public }
Safety; San Antonio Police }
Department, Texas Highway }
Patrol Department of Public }
Safety. District Attorney }
Magistrate Judge }

Response to Order

I, Robert James Esquivel, the plaintiff, come now before this honorable court in good faith, and pray that the court reconsider the motion set forth for a motion of discovery. The documentation requested will provide the plaintiff the information necessary to answer the request for a more definite statement in full detail as well as to insure that the allegations made in this case are factual, complete and detailed.

II. More Definite Statement

Although some questions are not able to be fully answered as well as all violations and names of those committing the violations, the plaintiff will respond to the order, made by the court, of a more definite statement, to the best of his ability and present now the facts.

1) ^A According to the police report filed by SAPD officer David Kendrick Badge # 0567, the reason for the initial stop was due to a traffic violation.

B) Upon the initial stop; the initial interaction with the officers on the scene, I was approached by two DPS troopers, one on the driver side and another on the passenger side.

The DPS trooper that approached the driver side had his weapon drawn and pointed directly at the plaintiffs face, flashlight blinding his sight.

Plaintiff attempted to inform the officer that he was on the phone with 911 dispatch providing the reason for his actions. Without

just cause, DPS trooper neglected to acknowledge statements made by plaintiff and physically grabbed the phone out of the plaintiff's hand and threw it to the ground, and then proceeded to physically force plaintiff to the ground. At this same moment, DPS trooper on passenger side broke the passenger window for unknown reasons. Neither one of the DPS troopers provided any reason for the use of excessive force, and or gave any reason for initial traffic stop.

C) According to the police report, the arrest action was due to probable cause. However according to an article written by KSAT 12 news, the arrest was due to "a warrant for unlawful carry."

(The purpose of informing the court of this article is relevant to allegations of Defamation / fraudulent arrest)

D) The officers involved with initial contact pertaining to this event have been listed as the Defendants.

- David Kendrick #0567 - SAPD
- Trooper FNU Eastburn #14720
- Trooper FNU Bibby #14593
- Trooper FNU Windgate #13157

E) Plaintiff was taken to the San Antonio municipal court / Detention center, located at 401 S Frio St. SA, TX 78207

F) Plaintiff was later transferred to BCJS where he was held in captivity for a total of 10 months and 20 days.

The confinement consisted of a combination of GPS monitoring, through pre-trial services, in addition to being physically

detained in custody of Bexar County Jail System.

2) A) The details pertaining to the property damage to the vehicle has been described in answer 1(B).

B) In order to positively identify the officers to specific actions, the plaintiff requires more evidence in which can be provided in the discovery process.

3) A) I, the plaintiff Robert James Esquivel, was released from custody on 03/18/2019.

B) The formal charge of evading arrest with a vehicle was issued through indictment on 09/27/18, in which resulted with a dismissal of the charge on 03/18/2019

C) no additional punishment was ordered by the court in regards to this charge.

D) Throughout the course of my experience, the cruel and unusual punishment in which I was subjected to consisted of excessive force, bait, malicious prosecution, Defamation.

slander, Defamation libel,
excessive and unreasonable strip
searches, intentional infliction
of emotional and mental stress;
Torture, ~~violating 18 USC ch. 113c-2340.~~

4) on 04/29/18, I, Robert James
Esquivel, the plaintiff engaged
in a peaceful protest / peaceful assembly,
along with approximately 50 other
U.S. citizens through social media
outlets. The actions made by the
individuals listed as the defendants,
specifically the arrest in itself

prevented the continuation of the speech the plaintiff was engaged in.

5) The Due process clause can be found in the 5th and 14th amendment.

Both the 5th and 14th amendment ensure equal protection of all individuals right to life, liberty, property and pursuit of happiness. There are two aspects that pertain to the actions in question. Procedural and Substantive.

At when the officers on the scene

of initial stop neglected statements made by plaintiff, they failed to properly investigate, which is part of procedures during a traffic stop or arrest.

B) In the course of the criminal procedure that followed, the actions of a malicious prosecution and abuse of process are made by the defendants listed as District Attorney and Majistrate Judge.

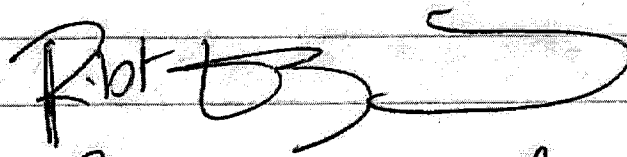
C) Plaintiff was denied his right to an examining trial

D) During the Grand Jury phase, the fact that neither the plaintiff nor anyone representing him was present to ensure the quality of a fair trial, the plaintiff's right to appropriately defend himself as well to be informed of the accusations made against him was completely ignored and or neglected/deprived without just cause.

b) In order for the plaintiff to properly list all officers to their direct action, the plaintiff humbly request

the court to grant his motion
of discovery submitted on 04/23/20.

I declare, under penalty of
perjury under the laws of the United
States of America, that the foregoing
is true and correct.


Robert Esquivel
Plaintiff